



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street  
New York, New York 10007*

October 21, 2021

**BY ECF**

The Honorable Judith C. McCarthy  
United States Magistrate Judge  
Charles L. Briant Jr. Federal Building and Courthouse  
300 Quarropas St.  
White Plains, NY 10601

*Re: Grunwald v. Bon Secours Charity Health Sys. Medical Group, P.C., No. 18  
Civ. 3208 (NSR) (JCM)*

Dear Judge McCarthy:

This Office represents defendant United States of America in the above-referenced case brought by Esther Grunwald ("Plaintiff") under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346, 2401, 2671–2680. I write respectfully to explain my failure to call into the telephonic conference this morning, as directed by the Court. *See* Oct. 21, 2021, Minute Entry. I apologize for the inconvenience caused to the Court and to the Plaintiff.

Undersigned counsel failed to appear because I neglected to calendar this morning's conference. My usual practice is to calendar conferences immediately after they are set. This morning's conference was set at our prior conference in this case on July 30, 2021, and a minute entry was docketed that same afternoon. For reasons unclear to me, I failed to calendar the conference.

Counsel for Plaintiff emailed me at 10:09 a.m. this morning to inform me that the conference had begun. I saw his email at 10:19 a.m. and immediately responded that I would call in. I called in at 10:19 a.m. to the conference line, but it appears that the conference had already ended. At 10:20 a.m., I saw the Court's Minute Entry rescheduling the conference for Monday, October 25. I have already put the rescheduled conference in my calendar.

Again, I apologize to the Court and to opposing counsel for my failure to appear this morning.

Honorable Judith C. McCarthy  
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I thank the Court for its consideration of this letter.

Respectfully submitted,

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United States Attorney

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